

The Honorable Ricardo S. Martinez
The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YONG GUO,

Petitioner,

v.

MERRICK GARLAND, Attorney General;
ALEJANDRO MAYORKAS, Secretary of
Homeland Security; NATALIE ASHER, Seattle
Field Office Director, U.S. Immigration and
Customs Enforcement; WARDEN of Immigration
Detention Facility; and the U.S. Immigration and
Customs Enforcement,

Respondents.

No. 2:21-cv-00942-RSM-BAT

JOINT STIPULATION AND ORDER
DISMISSING HABEAS PETITION

NOTE ON MOTION CALENDAR:
September 8, 2021.

COMES NOW Respondents, by and through their counsel, Tessa M. Gorman, Acting
United States Attorney for the Western District of Washington, and Katie Fairchild, Assistant
United States Attorney for said District, and Petitioner, by and through his counsel Assistant
Federal Public Defender Sara Brin, and hereby jointly stipulate and agree as follows:

WHEREAS on July 15, 2021, Petitioner filed a habeas petition challenging his
continued immigration detention. Dkt. No. 1.

WHEREAS on August 20, 2021, Respondents filed a Motion to Dismiss. Dkt No. 8.

1 WHEREAS on August 12, 2021, Petitioner was removed from the United States and
2 released from custody. *See* Dkt. No. 9, Fairchild Decl., ¶ 2, Ex. A.

3 WHEREAS the parties agree that Petitioner's release renders the habeas petition moot.
4 *See Abdala v. Immigration and Naturalization Service*, 488 F.3d 1061, 1065 (9th Cir. 2007).

5 WHEREAS the parties agree that this action should be dismissed as moot without fees
6 or costs to either party.

7 WHEREAS the parties agree that the pending Motion to Dismiss should be denied as
8 moot.

9 NOW THEREFORE, the parties, through their respective counsel of record, do hereby
10 stipulate and agree, and respectfully request, that the Court make and enter the following order:

- 11 1. Petitioner's habeas petition is hereby denied and dismissed as moot without fees or
12 costs to either party.
13 2. Respondents' Motion to Dismiss is denied as moot.

14 SO STIPULATED.

15 DATED this 8th day of September, 2021.

16
17 TESSA M. GORMAN
18 Acting United States Attorney

19 s/ Katie D. Fairchild
20 KATIE D. FAIRCHILD WSBA #47712
21 Assistant United States Attorney
22 700 Stewart Street, Suite 5220
23 Seattle, WA 98101-1271
24 Telephone: (206) 553-7970
25 Fax: (206) 553-4067
26 E-mail: katie.fairchild@usdoj.gov

27 Attorneys for Respondents

28 //

//

1 SO STIPULATED.

2 DATED this 8th day of September, 2021.

3
4 s/ Sara Brin

5 SARA BRIN, WSBA # 52476

6 Assistant Federal Public Defender

7 Federal Public Defender's Office

8 1601 Fifth Avenue, Suite 700

9 Seattle, Washington 98101

10 Telephone: (206) 553-1100

11 Email: sara_brin@fd.org

12 Attorney for Petitioner

ORDER

IT IS SO ORDERED.

DATED this 8th day of September, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE